

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: One final question: Directing your attention to section 7.01 and this new beast called "civil unit"; as I understand it, incorporated municipality is simply a limited purpose, small local government, and civil unit is the same thing.

As I understand 7.08, both the new municipality and new civil unit are totally subservient to the county.

My question is what is the rationale and necessity of a new type of local government, keeping in mind the fact that there is some reluctance on the part of many to add to this proliferation of small local governments.

DELEGATE MOSER: I think the question you ask points up something rather important. Your premise is not correct.

The General Assembly can given additional powers to new municipalities as well as to old. This means, for instance, it can make sure if a municipality is created by a county it will not be an odd beast, limited in what it can do.

The legislature could, for instance, say that if the county creates a new municipality, it has to have home rule. I would expect the legislature to set the same procedures for both. That is not true of a civil unit. A civil unit, as we envision it, is something totally dominated by the county, under the county, a creature of the county entirely. It is a convenient way for the county to provide a focal point where there is population concentration, to provide such services as sewer and water in that area.

Some of the less developed counties are going to need this kind of thing. If handled properly by the county, it could also provide a forum, for local residents to express themselves.

THE CHAIRMAN: Apparently there are more questions I do not want to ask the Committee of the Whole to rise and go through the procedure of having a quorum call again.

In the absence of objection I will take it upon myself to suggest that all questions abate for the next five or ten minutes, until the quorum bell sounds in order to give Mr. Moser an opportunity to sit and everybody else an opportunity to stand.

Please do not go far away. It will be very brief. We will simply sound the bell.

*(Whereupon, a short recess was taken.)*

THE CHAIRMAN: Will the Committee please come to order? Will the delegates please take their seats? Delegate Carson, do you have a question?

DELEGATE CARSON: Yes, I have two or three questions of Chairman Moser in relation to the municipal corporations and civil units, discussed in sections 7.07 to 7.09. I think, however, they all relate solely to section 7.07.

Chairman Moser, if I understand correctly, 7.07 deals with dissolution, merger, withdrawal of existing powers of municipalities or boundary changes, is that correct?

DELEGATE MOSER: Yes. Incidentally, I might observe that I guess a number of these questions will require a yes or no answer, will they not?

DELEGATE CARSON: If I can phrase them correctly, they will. If I understand further, there are two ways in which these various things can be accomplished. One is by such law as the General Assembly shall provide, and the other is by agreement of the municipalities or counties involved; is that correct?

DELEGATE MOSER: Yes, that is correct, but it is subject to this proviso, that the General Assembly could limit the agreement of the county and municipality in 7.08. That is, if there were something the General Assembly was not happy about, in the agreement, the General Assembly could provide something else by general law.

THE CHAIRMAN: Delegate Carson.

DELEGATE CARSON: If I understand Mr. Moser, the General Assembly by the laws that it provides may possibly include a requirement for county consent, but may also provide that no county consent would be mandatory.

DELEGATE MOSER: Yes, I suppose that is a fair reasoning of this section. The intention, however, is to have the General Assembly provide for county and municipal corporation agreement at the first level.

THE CHAIRMAN: Delegate Carson.

DELEGATE CARSON: Chairman Moser, you say that, but as the section is written I interpret it to mean that if the General Assembly says, for example, that Article 23-A as now existing is to be re-established as law, Article 23-A in its totality could be law again.